

Emergency Pay Policy (Revised 2/27/18)

Definitions-

City Manager – This includes the City Manager role and any designees for the city manager role.

Emergency Essential Personnel - Each department director and/or supervisor is responsible for identifying and activating those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as emergency essential. Emergency essential employees may be required to be available immediately before, during, and/or after an emergency.

Note: Only the Department Director or City Manager may remove an activated emergency essential staff member from duty during a declared emergency.

Emergency Non-essential Personnel - Each department director and/or supervisor is responsible for identifying employees who are considered emergency non-essential. Emergency non-essential employees may be activated and then required to perform emergency related duties prior to an incident and immediately following the incident, as directed by their supervisor or director. These employees may be temporarily dismissed from work, concurrently or successively, as determined by the emergency needs and the department or function. These employees will be placed on emergency administrative leave pursuant to this policy if not activated during the emergency period.

Activated staff – Those Emergency Essential staff designated by their Department Director to work during a declared disaster. The number activated will be determined by the nature, size, and scope of the emergency. Those Essential Personnel not activated will remain on call, and will receive Emergency Administrative Leave pay for their normally scheduled workday hours while not activated during the emergency period...

Emergency Duty Assignment - In the event of an emergency, the city manager may assign employees to any duty to the extent that the City is not in violation of any state or federal law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

Policy-

When an emergency impacts City employees work schedules and status during emergency conditions and a state of emergency has been determined by governing bodies, the city manager may grant emergency administrative leave with pay or disaster response pay to coincide with the occurrence of a disaster, whether natural or manmade. Depending on the duration of the emergency, the city manager may consider a cap or limitation on emergency administrative leave with pay. If it is determined that a civil emergency exists, including but not limited to, riots, civil disorders, severe weather

or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the city manager may then implement the provisions of this Emergency Pay Policy and may suspend all regular pay practices.

No employee is excused from work until the city manager authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued.

This policy applies to all full-time non-exempt and exempt employees and to emergency essential part-time employees.

Declaration of Emergency

Notification of State of Emergency: When a state of emergency is imminent or has been declared, the city manager, or designee, will notify all employees, through department directors, of such declaration.

Employee Status

Department directors shall designate emergency essential and emergency non-essential personnel within their departments. All personnel shall be advised of their status upon hire and as of May 1st of each year. An individual employee's status may change, as the needs of the City change during a civil emergency, or at the discretion of the department director.

Emergency Period

The emergency period begins when the City Manager suspends normal city business in preparation for the City's response to an emergency. This period includes the time in which emergency actions are taken to protect the city's assets and infrastructure, emergency response activities occur, and restoration of critical services are conducted to protect life and property. It also includes the period immediately following the emergency or disaster, during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. During this period, some employees may be required to return to work to assist with restoration of critical services, conduct emergency clearance of roadways, provide damage assessments, etc. The emergency period ends when the city manager determines it is safe for all employees to return to work. This determination will be made by the city manager in consultation with department directors or relevant EOC staff.

Employees must return to work as soon as an emergency is over to participate in the post impact and/or recovery periods. Employees dismissed or inactivated (if emergency essential) from work during an emergency will be on emergency administrative leave. Said leave will start when the employee is dismissed/inactivated by his/her department director and will continue until the city manager determines it is safe for all employees to return to work. Employees are expected to return to work on their next scheduled workday or shift following the city manager's determination that it is safe to return to work. If an activated employee fails to show up for work or cannot show up for other

reasons, then the time lost will be leave of absence without pay, unless other paid leave (vacation, sick, etc.) is approved by the supervisor and department director.

The city recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state or local emergencies. When evacuation of personal residences is required, every effort will be made to allow employees to make arrangements for their families. Emergency essential employees may be granted up to 4 hours of emergency administrative leave pay during the emergency period for this purpose.

Both yet to be activated emergency essential employees and non-essential employees unable to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director or designated supervisor as soon as possible and utilize appropriate leave time (vacation, sick, comp). During a state of emergency, any unauthorized leave from work for an employee may be considered sufficient cause for disciplinary action, up to and including dismissal.

Compensation for Hours Worked During an Emergency Period

Exempt employees - Exempt employees working during the emergency period have their base salary computed to arrive at an hourly rate; then they shall receive Disaster Response pay at one (1) times their hourly rate for their normally scheduled work hours plus one and a half (1.5) times their hourly rate for all hours worked during the emergency period.

Non-Exempt employees - Non-exempt employees working during the emergency period shall receive Disaster Response pay at one (1) times their hourly rate for their normally scheduled work hours plus one and a half (1.5) times their hourly rate for all hours worked during the emergency period.

Hours worked during emergency periods will be counted as time worked for the purpose of computing overtime with non-emergency period workdays in the same workweek. Work hours shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the finance department. During emergency periods, being on call or off shift is not considered time worked.

Leave Pay for Non-Worked Hours During an Emergency Period

During the emergency period, exempt and non-exempt employees released or not activated (emergency essential) from work shall receive Emergency Administrative Leave pay for their normally scheduled workday hours.

Non-worked hours will not be counted as time worked for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the finance department.

Miscellaneous

- a. Once the City Manager declares the Emergency Pay Period has ended regular pay practices will apply to all employees.
- b. All emergency pay periods must be approved by the city manager (or their designee). Employees will be paid their regular rates of pay until the City Manager communicates that the Emergency Pay policy is in effect.
- c. Nothing herein shall be construed as to affect the non-exempt or exempt status of the impacted employees.
- d. Employees who are out on prior-approved leave during the emergency period, such as FMLA, workers compensation, comp time, sick leave, etc., will continue to be charged for such leave during the scheduled leave period. These employees would not be eligible for administrative leave pay while out on their pre-approved leave period.
- e. At the department director's discretion previously approved leave, such as vacation, etc., may be cancelled when an emergency is imminent or declared.
- f. All other policies concerning remuneration shall comply with the City of Deer Park's Personnel Policies and the Fair Labor Standards Act.

FAQ's

Q: What if certain Emergency Essential staff are not needed during some portion of the declared emergency?

A: The Dept. Director and/or City Manager can elect to not activate emergency essential staff that are not immediately needed. If this does occur, the yet to be activated full-time employee would be placed on emergency administrative leave during the non-working period.

Q: How does this policy apply to part-time staff?

A: Part-time staff who work during the emergency period will be paid two (2) times their hourly rate for hours worked during the emergency period. Because hours for part-time or temporary staff fluctuate to varying degrees, they are not eligible for emergency administrative leave. Supervisors may try to assign work to minimize any reduction in hours once the emergency period is over.

Q: What about employees who are on "light duty" assignments?

A: We usually have very few light duty situations at any given time... these situations will be handled by the Department Director on a case-by-case basis. In the majority of situations, "light duty" will not be available during an emergency period and the individual on the light duty assignment will then be eligible for emergency administrative leave pay.

Scenario/Example:

It is Tuesday of the 2nd week in a pay period and the city manager declares the closing of city offices (excl. public safety) and the emergency pay period going into effect on Wednesday @ 1pm and the re-opening of city offices/end of the emergency pay period the next day, Thursday @ 1pm:

*All staff would receive regular pay for hours worked until 12:59 pm on Wednesday

*Beginning 1pm Wednesday, non-essential/non-activated full-time staff would be placed on leave and/or not report to work and would be paid emergency administrative leave pay for normally scheduled hours until Thursday @ 1pm.

*Emergency essential/activated staff (exempt and non-exempt) who work during the emergency period shall receive one (1) times their hourly rate for their normally scheduled work hours plus Disaster Response pay of one and a half (1.5) times their hourly rate for all hours worked during the emergency period.

*Part-time staff working during the emergency period (Wed 1pm- Thurs 1pm) would be paid two (2) times their hourly rate for hours worked during the emergency period.

*Non-exempt staff who work during the emergency period will have those working hours used for computing overtime (over 40 hours) during that week.

*Non-exempt staff whose work schedule crosses over the emergency period thresholds will have their hours worked during the emergency period paid at the disaster response rate while hours worked outside of the emergency period will be paid at the employee's regular pay rate including applicable overtime.